

### **Remarks**

All claims are believed to be in condition for allowance. Claims 1, 11 and 14 have been hereby amended for clarification, and claims 1-20 are pending for examination.

Claims 1-13 stand rejected under 35 U.S.C. §101 as failing to recite a particular machine or apparatus to which they are tied, this rejection has been addressed and overcome by the amendments presented herewith.

Claims 1-2 6-10, 11-15, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bill Wink Chevrolet. ("Wink") in view of Last (U.S. Pat. 7,249,041). Applicant submits that the Examiner's analysis still overlooks certain elements of the claims that are not recited in the prior art and are not obvious alterations to any of the prior art.

For example, independent claims 1, 11 and 14 recite, *inter alia*, "instructing displaying a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times on that date in which an appointment can still be scheduled."

Neither Wink, Last, or the combination of Wink and Last teach or suggest this element. In Wink, the customer actually types in both the date and time, and so there is no teaching or suggestion of a selectable date, a date having available times associated therewith, or further display of available appointment times in which an appointment can still be scheduled.

In Last, a user may be presented with a handful of times for a golf course on a given day ([0034]), but Last *expressly teaches against display of all the available appointment times*. [0034] According to Last, "The intent is not to display the entire tee, but instead a subset of the available tee times in a convenient fashion that does not

require the golfer to undertake an elaborate database query to "zone in" on a desired tee time." This portion of Last is expressly teaching against the claim limitations.

Although the Examiner takes official notice that display of available times is old and well known, Applicant points out that Last **expressly** teaches against this notion, and thus is inappropriate for combination with Examiner's official notice.

For at least these reasons, claims 1, 11 and 14 are allowable over the prior art of record. Claims 2, 6-10, 12-13, 15 and 18 should be allowable based at least on their dependency from allowable independent claims.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wink in view of last in further view of Mateja. Mateja, however, does not cure the noted deficiencies of the Wink/Last combination. Claim 9 is thus allowable based at least on its dependency from allowable claim 1.

Claims 3-5, 16-17 and 19-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wink in view of Last in further view of Blasingame (U.S. App. Pub. 2002/0022975).

Blasingame does not cure the noted deficiencies of the Wink/Last combination, so claims 3-5, 16-17 and 19-20 should be allowable based at least on their dependencies from allowable independent claims.

Applicants do not acquiesce in the Examiner's characterizations of the art. For brevity and to advance prosecution, Applicants may not have addressed all characterizations of the art and reserve the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by Applicants to any of the Examiner's positions does not constitute a concession to the Examiner's positions. The fact that Applicants' comments have focused on particular arguments does not constitute

a concession that there are not other arguments for patentability of the claims. Applicants submit that all of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

### CONCLUSION

Applicants believe that the foregoing remarks are fully responsive to the Office Action of September 22, 2009. Consequently, in view of the above amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, which allowance is respectfully requested.

The Petition fee of \$130 pursuant to 37 C.F.R. §1.17(a)(1) is being charged to our Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. Please charge any additional fees or credit any overpayment as a result of the filing of this paper to our Deposit Account No. 02-3978.

If the Examiner believes that a telephone conference would advance the prosecution of this application in any manner, the Examiner is invited to contact the undersigned, at the number provided below.

Respectfully submitted,  
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Date: July 26, 2010

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